

REMARKS

This is a response to the Office Action dated April 21, 2004. Claims 1-126 are pending in the application. In the Office Action, claims 1-20, 24-70, 74-114 and 116-126 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,983,200 (“Slotznick”). In addition, claims 21-23, 71-73 and 115 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Japanese publication no. 5-250392 (“Hirohisa”).

The rejections from the Office Action are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 101

Independent Claims 1, 42, 102, and 119-126 were rejected pursuant to 35 U.S.C. § 101 as being directed to non-statutory subject matter. Because the Examiner did not reject the system claims 51-101, Applicants assume that the Examiner did not intend to reject similar system claims 123-126. With this response, independent claims 1, 42, 102, and 119-123 have been amended. These amendments add no new matter and are supported by the specification. Applicant submits that claims 1, 42, 92, 102, and 119-126, as amended, are directed to statutory subject matter.

Additionally, dependent claims 2-41, 43-50, 93-101, and 104-118 were also rejected pursuant to 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 2-41, 43-50, 93-101, and 104-118 depend, directly or indirectly, from either claim 1, 42, 92, or 102. Applicant respectfully submit that dependent claims 2-41, 43-50, 93-101, and 104-118 should be allowed for at least the reasons set forth above for the independent claims.

II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Independent Claims 1, 42, 51, 92, 102, and 119-126 were rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Slotznick. With this response, independent claims 1, 42, 102, and 119-123 have been amended. These amendments add no new matter

and are supported by the specification. Applicant submits that claims 1, 42, 51, 92, 102, and 119-126, as amended, are not anticipated by Slotznick.

A. Independent Claims

5 Independent claim 1 relates to a “method for facilitating electronic commerce through a network, the network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “receiving a first request for a first suggested order, said first suggested order comprising a first two or more suggested products or services of a plurality of products or services, a first
10 suggested recurrence for each of said first two or more suggested products or services and first suggested quantities for each of said first two or more suggested products or services, wherein said first suggested recurrence associated with a first of said first two or more suggested products or services may be different than said first suggested recurrence associated with a second of said first two or more suggested products or services,”
15 “generating a first profile, by said at least one server computer, said first profile comprising a computer readable representation of said first suggested order,” and “causing, by said at least one server computer, said first suggested order to automatically recur one or more times according to said first suggested recurrence based on said computer readable representation, by signaling a marketing system associated with said at least one server to fulfill each of said
20 first two or more suggested products or services according to said associated of said first suggested recurrence.”

Independent claim 42 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method
25 comprises: “receiving, by said at least one server computer, a first electronic standing order for two or more products or services and an order recurrence for each of said two or more products or services;” “receiving, by said at least one server computer, a reminder specification for a reminder message;” “causing, automatically by said at least one server computer, said two or more products or services to be supplied according to said order
30 recurrence, wherein said order recurrence associated with a first of said first two or more

products or services may be different than said order recurrence associated with a second of said first two or more products or services” and “providing, by said at least one server computer said reminder message one or more times according to a reminder recurrence.”

Independent claim 51 relates to an “order management system for facilitating
5 electronic commerce over a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over said network....” The order management system comprises: “an order receiver operative to receive a first request for a first suggested order, said first suggested order comprising a first
10 two or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first two or more suggested products or services and first suggested quantities for each of said first two or more suggested products or services, wherein said first suggested recurrence associated with a first of said first two or more suggested products or services may be different than said first suggested recurrence associated with a second of said first two or more suggested products or services;” “a profile
15 generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said first suggested order;” and “an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more times according to said first suggested recurrence, each of said first two or more suggested products or services being fulfilled according to said associated of said first suggested
20 recurrence.”

Independent claim 92 relates to an “order management system coupled with a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over a network....” The order management system comprises: “an order receiver operative to receive an electronic
25 standing order for two or more of a plurality of products or services; said order receiver further operative to receive a reminder specification for a reminder message;” “a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said electronic standing order and specifying an order recurrence for said electronic standing order, said first profile further comprising said reminder specification,
30 and specifying a reminder recurrence, wherein said reminder recurrence associated with a

first of said two or more of a plurality of products or services may be different than said reminder recurrence associated with a second of said two or more of a plurality of products or services;” and “an order generator responsive to said first profile and operative to cause said electronic standing order to automatically recur one or more times according to said order recurrence, each of said two or more of a plurality of products or services being fulfilled according to said associated of said order recurrence, and cause said reminder message to be automatically transmitted one or more times according to said reminder recurrence.”

Independent claim 102 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “providing, electronically, at least one suggested order comprising at least two products or services and a suggested recurrence, wherein said suggested recurrence associated with a first of said at least two products or services may be different than said suggested recurrence associated with a second of said at least two products or services;” “generating, by said at least one server computer, a computer readable representation of a standing order for the at least two products or services at the suggested recurrence in response to an electronic reply to [the providing], each of said at least two suggested products or services being fulfilled according to said associated of said suggested recurrence.”

Independent claim 119 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “receiving a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;” “

generating a first profile, said first profile comprising a computer readable representation of said first suggested order;” and “causing, by said at least one server computer, said first suggested order to automatically recur one or more times according to said first suggested recurrence based on said computer readable representation, by signaling a marketing system associated with said at least one server to fulfill each of said first one or more suggested products or services according to said associated of said first suggested recurrence;” and “wherein said plurality of products or services are associated with a multi-level marketing system.”

Independent claim 120 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “receiving a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;” “generating a first profile, said first profile comprising a computer readable representation of said first suggested order;” and “causing, by said at least one server computer, said first suggested order to automatically recur one or more times according to said first suggested recurrence based on said computer readable representation, by signaling a marketing system associated with said at least one server to fulfill each of said first one or more suggested products or services according to said associated of said first suggested recurrence;” and “wherein said plurality of products or services is associated with a respective plurality of electronic commerce system products or services web files.”

Independent claim 121 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “receiving a first request for a first suggested order, said first suggested order

comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;”

“generating a first profile, said first profile comprising a computer readable representation of said first suggested order;” “causing, by said at least one server computer, said first suggested order to automatically recur one or more times according to said first suggested recurrence based on said computer readable representation, by signaling a marketing system associated with said at least one server to fulfill each of said first one or more suggested products or services according to said associated of said first suggested recurrence;” and “balancing said first suggested quantities and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order.”

Independent claim 122 relates to a “method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer....” The method comprises: “receiving a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;”

“generating a first profile, said first profile comprising a computer readable representation of said first suggested order;” “causing, by said at least one server computer, said first suggested order to automatically recur one or more times according to said first suggested recurrence based on said computer readable representation, by signaling a marketing system associated with said at least one server to fulfill each of said first one or more suggested products or services according to said associated of said first suggested recurrence;” and

“providing one or more pre-defined groupings of one or more products or services selected from a plurality of products or services offered by one or more vendors;” and “wherein said first request further comprises a selection indication of one or more of said one or more pre-defined groupings.”

5 Independent claim 123 relates to an “order management system for facilitating electronic commerce over a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over said network....” The order management system comprises: “an order receiver operative to receive a first request for a first suggested order, said first suggested order comprising a first
10 one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence
15 associated with a second of said first one or more suggested products or services;” “a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said first suggested order;” and “an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more times according to said first suggested recurrence, each of said first one or more suggested
20 products or services being fulfilled according to said associated of said first suggested recurrence,” and “wherein said plurality of products or services are associated with a multi-level marketing system.”

 Independent claim 124 relates to an “order management system for facilitating electronic commerce over a network, said network comprising at least one server computer
25 capable of communicating with a browser system located at a remote client computer over said network....” The order management system comprises: “an order receiver operative to receive a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and
30 first suggested quantities for each of said first one or more suggested products or services,

wherein said first suggested recurrence associated with a first of said first one or more suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;” “a profile generator coupled with said order receiver and operative to generate a first profile, said first
5 profile comprising said first suggested order;” and “an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more times according to said first suggested recurrence, each of said first one or more suggested products or services being fulfilled according to said associated of said first suggested recurrence;” and “wherein said plurality of products or services is associated with a
10 respective plurality of electronic commerce system products or services web files.”

Independent claim 125 relates to an “order management system for facilitating electronic commerce over a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over said network....” The order management system comprises: “an order receiver operative to
15 receive a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more
20 suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;” “a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said first suggested order;” “an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more
25 times according to said first suggested recurrence, each of said first one or more suggested products or services being fulfilled according to said associated of said first suggested recurrence;” and “an order balancing processor coupled with said profile generator and operative to balance said first suggested quantities and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order.”

Independent claim 126 relates to an “order management system for facilitating electronic commerce over a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over said network....” The order management system comprises: “an order receiver operative to
5 receive a first request for a first suggested order, said first suggested order comprising a first one or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first one or more suggested products or services and first suggested quantities for each of said first one or more suggested products or services, wherein said first suggested recurrence associated with a first of said first one or more
10 suggested products or services may be different than said first suggested recurrence associated with a second of said first one or more suggested products or services;” “a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said first suggested order;” and “an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more
15 times according to said first suggested recurrence, each of said first one or more suggested products or services being fulfilled according to said associated of said first suggested recurrence;” and “wherein said order receiver is further operative to provide one or more pre-defined groupings of one or more products or services selected from said plurality of products or services;” and “wherein said first request further comprises a selection indication
20 of one or more of said one or more pre-defined groupings.”

B. Slotznick

Slotznick discloses an “intelligent agent which executes tasks by using intelligent agent learning modules which store information necessary to execute the tasks. A computer
25 receives a command to execute a task or receives data which causes a task request to be generated. The computer accesses appropriate information in the learning modules to execute the task, and outputs instructions for output devices to execute the tasks. The tasks may be executed at a future time and on a periodic basis. The learning modules build up a database of information from previously executed tasks, and the database is used to assist in
30 executing future tasks. The tasks include physical commercial transactions. Portions of the

intelligent agent may be remotely located and interconnected via remote communication devices.” *See* Slotznick, Abstract. “Using the present invention, both payment and delivery can be specified for future occurrence. In addition, the present invention incorporates a learning database that accumulates data on an incremental as-needed basis. The present invention learns terms which it didn't originally know (such as nicknames, shipping addresses, alternate product names, and user's preferences over products) but only requires the data needed for the current task. The present invention remembers the data as a way to expedite the delegation process of the present task and similar tasks in the future. In short, the apparatus described herein can accomplish action at a distance in both time and space and arrange payment at a distance in time.” *See* Slotznick, Col. 2, lines 53-66. “The present invention not only reminds a user about a task or event, but accomplishes that task without further user intervention.” *See* Slotznick, Col. 3, lines 29-31.

C. Slotznick Fails to Disclose the Claimed Invention

While Slotznick discloses that the intelligent agent may be used to reenter orders designated as periodic orders, Slotznick fails to disclose that the intelligent agent stores a single profile of multiple products to be ordered on a recurring basis wherein each of the products is capable of being reordered according to different recurring basis as claimed in Applicants' claims. *See* Slotznick, Col. 21, lines 35-40. In particular, the intelligent agent of Slotznick is designed to ask a user if the order is a repeat order. *See* Slotznick, Col. 20, lines 26-29. After shipment and delivery of an order is completed, the system checks to see if the order was designated as a recurring order. *See* Slotznick, Col. 21, lines 35-40. If the order is so designated, the system reenters the order to be reprocessed on a calculated recurrence date. *See* Slotznick, Col. 21, lines 35-40. Applicants' claimed invention however, is capable of re-ordering various subsets of products or services of a single order on a recurring basis to alleviate the need for the user to constantly access the order system and enter multiple orders. As entering an order for multiple products is time consuming, Applicants' claimed invention provides the user with convenience – a user may enter every desired product or service into a single order and receive various subsets of that order at recurrence times appropriate for the given subset. This is important as different products or services may have different rates of

usage or consumption and therefore the frequencies with which they must be replenished are different. As compared with the intelligent agent of Slotznick, the user would have to enter multiple orders into the intelligent agent software, with each order specifying a different product delivery date and recurrence, for each set of products that the user wishes to order.

5 The Examiner refers to Col. 10, lines 13-17 of Slotznick to show that Slotznick discloses a profile being generated that results in different items being ordered month to month. While Slotznick does disclose that an order can be modified on a month to month basis based on a combination of inventory sensing equipment and computer based sales projections, Slotznick does not disclose different recurrence schedules, such as a different
10 shipping schedule, that are received with the initial order for each of those multiple products. One of ordinary skill in the art would appreciate that the system of Slotznick is event driven and that one or more products or services may be grouped together for delivery based on an event such as a holiday or birthday or other trigger event, such as the current inventory level of particular products. Depending on the availability or projected needs of those items, the
15 order may be modified at the time of the recurrence, i.e., Slotznick discloses that at the time the particular order is placed, current inventory levels may be factored in to appropriately adjust the order. However, Slotznick does not provide any mechanism equivalent to a profile which includes an order for multiple products or services where each of the products or services can have a different recurrence, e.g. shipment schedule, as specified in advance of a
20 particular event by the customer when the initial order is placed. In order to work with the multiple events of Sloztnik, a user would have to submit multiple orders for the different products or services associated with each event in advance of the event, as described above. Applicants' claimed method permits a user to enter, in advance, a single order for multiple products or services where each may have a different recurrence schedule, and specify the
25 recurrence schedule for each item when placing the order.

For at least these reasons, independent claims 1, 42, 51, 92, 102, and 119-126 as amended, are not anticipated by Slotznick. Accordingly, Applicants request that the Examiner withdraw this rejection of independent claims 1, 42, 51, 92, 102, and 119-126.

D. Dependent Claims

Dependent Claims 2-20, 24-41, 43-50, 52-70, 74-91, 93-101, 103-114, and 116-118 were also rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Slotznick. With this response, dependent claims 10, 60, and 116-118 have been amended. These

5 amendments add no new matter and are supported by the specification. Dependent claims 2-20, 24-41, 43-50, 52-70, 74-91, 93-101, 103-114, and 116-118 should be allowed for the reasons set out above for the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

For example, the Examiner points to Col. 5, lines 6-15 of Slotznick as disclosing multi-level
10 marketing. The cited disclosure, however, does not disclose multi-level marketing, but instead discloses the marketing of packages of products such as travel services. Multi-level marketing, as known to one of ordinary skill in the art, refers to a type of compensation plan found in direct selling. A direct selling company that offers a multilevel compensation plan pays its
15 representatives/distributors based not only on one's own product sales, but on the product sales of one's "downline" (the people a representative/distributor has brought into the business, and, in turn, the people they have brought into the business). *See* Direct Selling Association, About Direct Selling FAQ, *available at* <http://www.dsa.org/selling/faq.htm>. Slotznick fails to disclose such a marketing system.

The Examiner also points to Col. 16, lines 10-15 of Slotznick as disclosing that the
20 plurality of products are associated with a respective plurality of electronic commerce system products or services web files. The cited disclosure, however, discloses only that the Internet may be used to transmit data from the remote device to the central server. Slotznick does not mention the World Wide Web or the use of Web sites and one of ordinary skill in the art would appreciate that the Internet is first and foremost a data communications network. For
25 example, long before the World Wide Web was invention, the Internet was used to communicate via electronic mail or file transfer protocol ("FTP"). Therefore, mere disclosure of the Internet does not also imply disclosure of the use of the World Wide Web or Web files, etc.

Further, the Examiner points to Col. 4, lines 35-55, and Col. 9, line 47 to Col. 10, line
30 17 of Slotznick as disclosing balancing the first suggested quantities with the suggested

recurrences of the order. Applicants note that balancing, as claimed, is defined in Applicants' Specification at page 41, line 4 to page 42, line 18, as equalizing the quantities and/or costs, or other factor, of each iteration of a recurring order as a function of the life of the order where the cost or quantity, or other factor, would otherwise vary as a function of the iteration. Slotznick fails to disclose balancing as described.

Accordingly, the additional limitations of these dependent claims also distinguish over the cited reference. For example, Slotznick fails to disclose: wherein said plurality of products or services are associated with a multi-level marketing system, as claimed in claim 3; wherein a user is registered with said multi-level marketing system as a client, member or independent business owner ("IBO") and wherein said receiving further comprises receiving said first request from said user, as claimed in claim 4; wherein said plurality of products or services is associated with a respective plurality of electronic commerce system products or services web files, as claimed in claim 5; wherein said plurality of electronic commerce system products or services web files are operatively coupled with a web site associated with said network, said network comprising an electronic commerce system, as claimed in claim 6; receiving a second request for a second suggested order, as claimed in claim 10; wherein said modifications are received after said generating as claimed in claim 14; balancing said first suggested quantity and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order, as claimed in claim 18; wherein said balancing substantially equalizes a distribution of cost per recurrence of said first suggested order, as claimed in claim 19; wherein said balancing substantially equalizes a distribution of incentive compensation per recurrence of said first suggested order, as claimed in claim 20; providing one or more interactive messages relating to one or more of said plurality of products or services, wherein said first request further comprises one or more responses to said one or more interactive messages, as claimed in claim 24; wherein a subset of said one or more interactive messages further relates to demographic information, as claimed in claim 25; wherein a subset of said one or more interactive messages further relates to subjective preference information, as claimed in claim 26; wherein a subset of said one or more interactive messages further relates to a specific product or service selected from said plurality of first electronic commerce system products or services, as claimed in claim

27; wherein a subset of said one or more interactive messages further relates to use of a product or service, as claimed in claim 28; accessing a product or service database to select said first one or more suggested products or services which correlate to said one or more responses, as claimed in claim 29; providing one or more pre-defined groupings of one or more products or services selected from a plurality of products or services offered by one or more vendors, wherein said first request further comprises a selection indication of one or more of said one or more pre-defined groupings, as claimed in claim 30; wherein said plurality of products or services are associated with a multi-level marketing system, as claimed in claim 53; wherein a user is registered with said multi-level marketing system as a client, member or independent business owner (“IBO”) and wherein said receiving further comprises receiving said first request from said user, as claimed in claim 54; wherein said plurality of products or services is associated with a respective plurality of electronic commerce system products or services web files, as claimed in claim 55; wherein said plurality of electronic commerce system products or services web files are operatively coupled with a web site associated with said network, said network comprising an electronic commerce system, as claimed in claim 56; said order receiver is further operative to receive a second request for a second suggested order, as claimed in claim 60; wherein said second suggested recurrence is different from said first suggested recurrence, as claimed in claim 61; wherein said first profile and said second profile are the same profile, as claimed in claim 62; wherein said modifications are received after said first profile is generated, as claimed in claim 64; an order balancing processor coupled with said profile generator and operative to balance said first suggested quantity and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order, as claimed in claim 68; wherein said order balancing processor is further operative to substantially equalize a distribution cost per recurrence of said first suggested order, as claimed in claim 69; wherein said order balancing processor is further operative to substantially equalize a distribution of incentive compensation per recurrence of said first suggested order, as claimed in claim 70; wherein said order receiver is further operative to provide one or more interactive messages relating to one or more of said plurality of products or services, wherein said first request further comprises one or more responses to said one or more interactive

5 messages, as claimed in claim 74; wherein a subset of said one or more interactive messages further relates to demographic information, as claimed in claim 75; wherein a subset of said one or more interactive messages further relates to subjective preference information, as claimed in claim 76; wherein a subset of said one or more interactive messages further
10 relates to a specific product or service selected from said plurality of first electronic commerce system products or services, as claimed in claim 77; wherein a subset of said one or more interactive messages further relates to use of a product or service, as claimed in claim 78; wherein said profile generator is further operative to access a product or service database to select said first one or more suggested products or services which correlate to
15 said one or more responses, as claimed in claim 79; wherein said order receiver is further operative to provide one or more pre-defined groupings of one or more products or services selected from said plurality of products or services, wherein said first request further comprises a selection indication of one or more of said one or more pre-defined groupings, as claimed in claim 80; wherein said at least one product or service is associated with a
20 respective electronic commerce system product or service web file, as claimed in claim 104; wherein said electronic commerce system product or service web file is operatively coupled with said network, said network comprising an electronic commerce system, as claimed in claim 105; wherein said generating further comprises spreading said standing order over a duration of said suggested recurrence, as claimed in claim 112; providing one or more
25 interactive messages relating to said at least one product or service, as claimed in claim 116; providing one or more pre-defined groupings of said at least one product or service, as claimed in claim 117; and reviewing historical orders for said at least one product or service, wherein said at least one suggested order is based on said review, as claimed in claim 118.

25 **III. AUGUST 12, 2003 REJECTIONS UNDER 35 U.S.C. § 103(a)**

In the Final Office Action of August 12, 2003, dependent claims 21-23, 71-73 and 115 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Hirohisa. With this response, claim 115 has been amended. This amendment adds
30 no new matter and is supported by the specification. These dependent claims should be allowable for the same reasons as the independent claims from which they depend, as

discussed above. Applicants further submit that dependent claims 21-23, 71-73 and 115, as amended, are not obvious in view of Slotznick and Hirohisa.

5 Dependent claim 21, incorporates the limitations of independent claim 1 and further adds “wherein said first request further comprises usage information about how said first one or more suggested products or services are to be used....” In addition, dependent claim 21 adds “determining a predicted lifespan corresponding to said first one or more suggested products or services,” and “calculating said first suggested quantity and said first suggested recurrence based on said usage information and said predicted lifespan.”

10 Dependent claim 71, as amended, incorporates the limitations of independent claim 51 and further adds “wherein said first request further comprises usage information about how said first one or more suggested products or services are to be used, said profile generator further operative to determine a predicted lifespan corresponding to said first one or more suggested products or services and calculate said first suggested quantity and said first suggested recurrence based on said usage information and said predicted lifespan.”

15 Dependent claim 115, as amended, incorporates the limitations of independent claim 102 and further adds “wherein (a) occurs in response to receipt of usage information about how said at least two products or services is to be used, said suggested recurrence being a function of said usage information and a predicted lifespan of said at least two products or services.”

20 Slotznick is discussed above.

Hirohisa discloses a system for forecasting demand of a repetitively ordered specification-invariant product. *See* Hirohisa, translation, ¶ 1. The disclosed system automatically generates a repeat order record based on forecasts of future demand volume. The forecasts of future demand volume are created by delineating the use conditions from the
25 historical progression of delivery volume. *See* Hirohisa, translation, ¶ 8.

Both Slotznick and Hirohisa fail to disclose a system that stores a single profile of multiple products to be ordered on a recurring basis wherein each of the products is capable of being reordered according to different recurring basis as claimed by Applicants. Slotznick is discussed above. Hirohisa fails to fill the gap. Hirohisa instead discloses a system that
30 sets an order reception period for an article which is repeatedly ordered according to the

movement demand of that article. *See* Hirohisa, Purpose. The system calculates the movement demand for a particular item, and generates an order for the item accordingly. *See* Hirohisa, ¶ 21. Hirohisa does not base the order reception period based on consumption of the product, but based on a delineation of use conditions from the progression of the delivery volume. *See* Hirohisa, ¶ 8. The system of Hirohisa looks at historical order patterns for the purpose of forecasting future orders. Hirohisa does not disclose utilizing usage or consumption information in concert with a product lifespan in order to determine a recurrence pattern.

As neither Slotznick nor Hirohisa discloses to disclose a system that stores a single profile of multiple products or services to be ordered on a recurring basis wherein each of the products or services is capable of being reordered according to different recurring basis as claimed, the combination also fails to result in these limitations. For at least these reasons, claims 21-23, 71-73 and 115 are not obvious in view of Slotznick and Hirohisa.

Accordingly, Applicants request that the Examiner withdraw this rejection of dependent Claims 21-23, 71-73 and 115.

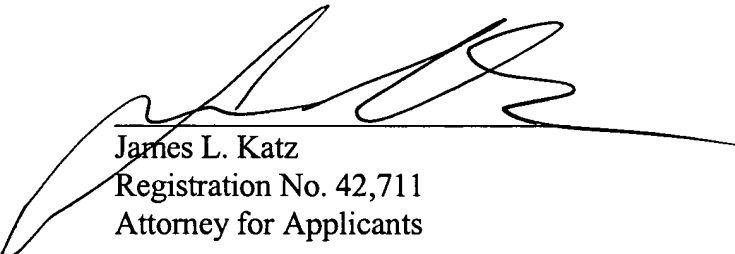
Dependent Claims 22, 23, 72 and 73 were also rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Hirohisa. Dependent claims 22, 23, 72 and 73 should be allowed for the reasons set out above for the claims from which they depend. Applicants therefore request that the Examiner withdraw this rejection of these claims.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully invited to contact the attorney of record, James L. Katz, at (312) 321-7739.

Respectfully submitted,

Date: July 19, 2004


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